

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: HOLOCAUST VICTIM ASSETS
LITIGATION

This Document Relates to: All Cases

X

Case No. CV 96-4849 (ERK)(MDG)
(Consolidated with CV 96-5161
and CV 97-461)

MEMORANDUM & ORDER

X

**MEMORANDUM & ORDER APPROVING SET 104: 30 AWARDS AND 1 AWARD DENIAL
CERTIFIED BY THE CLAIMS RESOLUTION TRIBUNAL PURSUANT TO ARTICLE 31(2) OF
THE RULES GOVERNING THE CLAIMS RESOLUTION PROCESS AND AUTHORIZING
PAYMENT FROM THE SETTLEMENT FUND**

KORMAN, C.J.:

As provided under the Settlement Agreement, and in accordance with the procedures established in the December 8, 2000 Memorandum & Order and in the Distribution Plan, Special Master Helen B. Junz, appointed by the Court to supervise the Claims Resolution Process with Special Master Michael Bradfield, is hereby requesting the Court's approval, pursuant to Article 31(2) of the Rules, of 30 Awards listed in Annex A and 1 Award Denial listed in Annex B to this Order, which have been certified by the Claims Resolution Tribunal (the "CRT") and the resources to pay these Awards through funds to be deposited in the Swiss Banks Settlement-Dormant Accounts-Payment Account from the Settlement Fund. The total amount of these 30 Awards is US\$ 7,661,783.21 (SF CHF 9,577,229.01 converted at a rate of 1.25 Swiss Francs per U.S. Dollar).

With this one-hundred and fourth set, a total of 3,744¹ accounts with a current value of US\$ 337,641,087.54 will have been awarded thus far under CRT I and CRT II combined.² Under CRT II alone, 2,139 Awards for 3,537 accounts totaling US\$ 319,456,595.54³ will have been made to date to Victims or Targets of Nazi Persecution making up the Deposited Assets Class, with the average

¹ One award is for a deposit held by a non-bank custodian included in Set 96, see *In re Heinrich Israel*; that deposit has been recorded as one account.

² These Award aggregates include a balancing item of US\$ 63.00 and therefore differ from the Settlement Fund Distribution totals by that amount.

³ Included in this total is an amount of US\$ 653,854.64 reflecting the Decisions on Appeal pursuant to my Orders of June 20, 2006, and June 23, 2006.

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Award amounting to US\$ 138,887.94.⁴ Under CRT I, which took place from 1997 through 2000, 207 accounts, with a value of US\$ 18,184,492.00, were awarded as accounts that had belonged to Victims of Nazi Persecution.

A total of 943 Certified Denials to 2,498 accounts will have been approved under CRT II. In 856 of these 943 Denials, the CRT concluded that the Claimant was not able to identify his or her relative as the Account Owner, in 61 cases the CRT concluded that the Account Owner closed the account and received the proceeds him/her self, in 21 cases the CRT determined that the Claimant was not entitled to the Account Owner's account, and in 5 cases the CRT determined that the evidence submitted was insufficient to support the existence of a bank account belonging to the Claimed Account Owner.

Finally, the Court has approved to date 6,105 plausible undocumented awards for a total of US\$ 30,525,000.00. As set out below, these totals were reduced by 6 awards in Set 103, and by one award in this set, amounting to a total of US\$ 35,000 to 6,098 awards totaling US\$ 30,490,000.00

In my February 17, 2006 Memorandum & Order, I indicated that a total of approximately US\$ 65,000,000.00 is expected to be distributed to claimants receiving plausible undocumented awards. Based on this projection, the total amount remaining to be submitted to the Court for approval is approximately \$US 34,510,000.00. Thus, together with this anticipated balance, the current total for documented and plausible undocumented awards is US\$ 402,641,087.54.

This submission includes an Award to one Claimant who previously received a Plausible Undocumented Award, as detailed in Annex C to this Order. This Claimant was made aware at the time that, in the event the CRT locates a Swiss Bank account or accounts to which he is entitled, the sum of \$5,000 shall be deducted from any future award(s) that may be made in connection with such account(s). Therefore, the amount requested for transfer to the Swiss Banks Settlement-Dormant Accounts- Payment Account equals the award amount of US\$ 7,661,783.21 for the 30 awards referred to above less US\$ 5,000 for a total of US\$ 7,656,783.21.

⁴ Because the size of the Batch 75 award made it an outlier that would have skewed the results, it was not included in the calculation of the average values.

As set forth in the Awards and as required by Article 31(3) of the Rules, the Certified Awards shall be paid in full by the Special Masters after approval of such Awards by the Court.

Therefore, it is hereby

ORDERED that the attached 30 Awards are hereby approved for payment pursuant to Article 31(2) of the Rules;

ORDERED that for the payment of these 30 Awards certified by the CRT and approved by the Court, less the 1 payment previously made in the form of Plausible Undocumented Awards, the Signatories of the Settlement Fund are hereby directed to transfer immediately US\$ 7,656,783.21 from the Settlement Fund to the Swiss Banks Settlement-Dormant Accounts-Payment Account; and

ORDERED that the attached 1 Award Denial is hereby approved for release to the relevant Claimant.

It is further ordered that the Special Masters shall provide the Court with the name and address of every class member receiving an Award which information shall be filed with the Court under seal.

I will issue additional orders approving Awards certified by the CRT and transferring further sums from the Settlement Fund as the CRT certifies them to this Court.

Brooklyn, New York
Dated: June 28, 2006

SO ORDERED:

s/ Judge Edward R. Korman

Edward R. Korman
United States District Judge

CLAIMS RESOLUTION TRIBUNAL

[Batch CIV] -Annex A - UNREDACTED
CONFIDENTIAL

Pursuant to Article 16 of the Rules Governing the Claims Resolution Tribunal, as amended, (the "Rules"), the Claims Resolution Tribunal hereby certifies as of June 28, 2006 the following Awards for approval by the Court and payment by the Special Masters:

Account Owner Last Name and Claim Number		Award Amount (SFr.)
1.	Adorjan 771536/HB; 781217/HB	26,850.00
2.	Alcalay 601460/AV **	857,203.75
3.	Beger & Röckel 500399/GO; 500587/GO; 500657/GO	49,375.00
4.	Berger 400453/SI	189,250.00
5.	Blatt 210918/MBC; et al	26,750.00
6.	Drechsler 400804/SI; 400805/SI	395,125.00
7.	Frandji 222796/AC; 222797/AC	383,750.00
8.	Frey 213973/AB	49,375.00
9.	Grossmann 001940/AZ, 005072/AZ, 210659/AZ*	10,375.00
10.	Haas 002554/WM	26,750.00
11.	Hahn & Bach 219641/JW; 703728/JW	49,375.00
12.	Handel-Maatschappij H. Albert de Bary & Co. 205734/AV; et al	162,500.00
13.	Herrmann 600384/AK	216,000.00
14.	Hiller 211706/AZ	26,750.00
15.	Hirsch 218306/GO	189,250.00
16.	Hirtz 501591/CN	59,750.00
17.	Kahn 220394/AC; 600203/AC*	26,750.00
18.	Kalmus 501423/MBC	54,975.00
19.	Keller 401581/MBC/AC	567,750.00
20.	Kohn 223206/AC	385,547.00
21.	Lattes 210863/CN/AC; 210864/CN/AC; 212552/CN/AC	2,656,375.00
22.	Löwenthal 400977/GO/AC; 401031/GO/AC	567,750.00
23.	Offenheimer 401480/NP	490,180.50
24.	Popovici 214462/MBC	685,375.00
25.	Schneider 215503/MBC	351,750.00
26.	Schüller 219545/NP; 401536/NP	472,026.88
27.	Steiner, Elsa 202925/KG, 733328/KG	49,375.00
28.	Steiner, Josefine 004130/AZ, 717247/AZ	474,820.88
29.	Waldmann 214375/CN; 300523/CN*	49,375.00
30.	Wertheimer 400773/BW	26,750.00
Total amount in Swiss Francs		9,577,229.01
Total amount in US Dollars⁵		7,661,783.21

* MPM Award

** Tad Award

⁵ Exchange rate as of 28 June 2006 of 1.25 Swiss Francs per U.S. Dollar.

CLAIMS RESOLUTION TRIBUNAL

[Batch CIV] –Annex B UNREDACTED
CONFIDENTIAL

Pursuant to Article 16 of the Rules Governing the Claims Resolution Tribunal, as amended, (the “Rules”), the Claims Resolution Tribunal hereby certifies as of June 28, 2006 the following Award Denial for approval by the Court:

1.	Katz 772604/SB	Identification
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CLAIMS RESOLUTION TRIBUNAL

[Batch CIV] --Annex C UNREDACTED
CONFIDENTIAL

Deduction for Plausible Undocumented Awards previously issued by the Claims Resolution Tribunal, through its Swiss Deposited Assets Program:

Account Owner Last Name and Claim Number	Claimant Name	Amount to be deducted in US\$
<i>Hahn & Bach 219641/JW; 703728/JW</i>	Harry Fred Railing	5,000.00
Total amount in US Dollars		5,000.00
Total amount awarded in US Dollars		7,661,783.21
Total net amount (after deduction) in US Dollars		7,656,783.21